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Masamichi Takahashi

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OLIFF & BERRIDGE, PLC

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EXAMINER

ROBINSON BOYCE, AKIBA K

ART UNIT

PAPER NUMBER

3628

NOTIFICATION DATE

DELIVERY MODE

04/07/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/762,471	Applicant(s) TAKAHASHI ET AL.	
	Examiner AKIBA K. ROBINSON BOYCE	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. Due to communications filed 12/2/09, the following action is non-final office action. Claims 1-18 are pending in this application, have been examined on the merits, and are rejected as follows. Due to the Pre-Brief conference request submitted 12/2/09, the previous rejection has been modified as follows.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-5 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

For a claimed invention to be statutory, the claimed invention must produce a useful, tangible and concrete result. An invention which is eligible for patenting under 35 U.S.C 101, is in the "useful arts" when it is a machine, manufacture, process or composition of matter, which produces a useful, concrete and tangible result. The fundamental test for patent eligibility is thus to determine whether the claimed invention produces a useful tangible and concrete result. See *AT&T v. Excel Communications Inc.*, 172 F.3d at 1358, 50 USPQ 2d at 1452 and *State Street Bank & Trust Co. v. Signature Financial Group, Inc.*, 149 F.3d at 1373, 47 USPQ 2d at 1601 (Fed. Cir.

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1998). The test for practical application as applied by the examiner involves the determination of the following factors.

a) "useful" - The Supreme Court in *Diamond v. Diehr* requires that the examiner look at the claimed invention as a whole and compare any asserted utility with the claimed invention to determine whether the asserted utility is accomplished. Applying utility case law the examiner will not that:

i. utility need not be expressly recited in the claims, rather it may be inferred.

ii. if the utility is not asserted in the written description, then it must be well established.

b) "tangible" - Applying *In re Warmerdam*, 33 F.3d 1354, 31 UAPQ 2d 1754 Fed. Cir. 1994), the examiner will determine whether there is simply a mathematical construct claimed, such as a disembodied data structure and method of making it. If so, the claim involves no more than manipulation of an abstract idea and is, therefore, nonstatutory under 35 U.S.C 101. In *Warmerdam*, the abstract idea of a data structure became capable of producing a useful result when it was fixed in a tangible medium, which enabled its functionality to be realized.

c) "concrete" - Another consideration is whether the invention produces a "concrete" result. Usually, this question arises when a result cannot be assured. An appropriate rejection under 35 U.S.C 101 should be accompanied by a lack of enablement rejection, because the invention cannot operate as intended without undue experimentation.

In the present case, claim 1 specifically lacks utility as it is seen to be software per-se. In this case, the computer in applicant's drawings could just be used for displaying but not calculating any values as shown in applicant's spec page 58, lines 1-6. Also, in applicant's spec, page 43, calculation is shown, however seems arbitrary to examiner since the values are not defined, and in this case are not enough details of how to implement the invention using any values. In claim 1, this "unit" can be just software.

4. Claims 6-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 6-10 are directed to a series of steps. In order for a series of steps to be considered a proper process under § 101, a claimed process must either: (1) tied to a particular machine or apparatus, or (2) transforms a particular article to a different state or thing. *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972). Thus, to qualify as patent eligible, these processes must positively recite the other statutory class to which it is tied (e.g., by identifying the apparatus the accomplishes the method steps), or positively recite the subject matter that is being transformed (e.g., by identifying the product or material that is changed to a different state). Claims 6-10 identify neither the apparatus performing the recited steps nor any transformation of underlying materials, and accordingly are directed to non-statutory subject matter.

Also noted in *Bilski* is the statement, "Process claim that recites fundamental principle, and that otherwise fails 'machine-or-transformation' test for whether such claim is drawn to patentable subject matter under 35 U.S.C. §101, is not rendered patent eligible by mere field-of-use limitations; another corollary to machine-or-transformation test is that recitation of specific machine or particular transformation of specific article does not transform unpatentable principle into patentable process if recited machine or transformation constitutes mere 'insignificant post- solution activity.'" (In re *Bilski*, 88 USPQ2d 1385, 1385 (Fed. Cir. 2008)) Examples of insignificant post-solution activity include data gathering and outputting. Furthermore, the machine or transformation must impose meaningful limits on the scope of the method claims in order to pass the machine-or-transformation test. Please refer to the USPTO's "Guidance for Examining Process Claims in view of In re *Bilski*" memorandum dated January 7, 2009, http://www.uspto.gov/web/offices/pac/dapp/opla/documents/bilski_guidance_memo.pdf.

It is also noted that the mere recitation of a machine in the preamble in a manner such that the machine fails to patentably limit the scope of the claim does not make the claim statutory under 35 U.S.C. § 101, as seen in the Board of Patent Appeals Informative Opinion *Exparte Langemyr et al.* (Appeal 2008-1495), <http://www.uspto.gov/web/offices/dcom/bpai/its/fdO81495.pdf>.

5. Claims 11-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In this case, the preamble of claim 11 discloses: "A computer readable medium". However, the claims do not specifically disclose that the medium is non-transitory. In order for the program to effectively evaluate activities, the medium needs to be one that is non-transitory. Since "non-transitory" is not specified, these claims are therefore considered non-statutory.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In this case, examiner does not see how a computer can be used in this application. Examiner needs to know what values are input into the computer to come up with a result. In this case, there is no algorithm defined, and examiner therefore can not see how a computer is implemented.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In this case, the claims are very vague and indefinite. Examiner finds it difficult to interpret what is actually being calculated. It is not clear as to what values are being used for any type of calculation.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1, 2-7, 9-12, 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlack (US 2007/0226628 A1), and further in view of Hamilton (US 2004/0103058 A1).

As per claims 1, 2, 6, 7, 11, 12, Schlack discloses:

A survey unit configured to inquire directly to the groups concerning activities performed by the groups, each of the activities include one or more concepts/surveying groups concerning activities..., ([0020], lines 18-24, shows surveys specific to the communities are used and created as activities and are monitored, and also shows focus groups that engage in activities and invited to engage in a product concept test designed to gather feedback, in this case, the actual unit is not explicitly

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expressed, however inherent since Schlack is focused on a browser-enabled system of software and services used to carry out the invention as shown in [0014])

wherein the survey unit is configured to aggregate plural responses received from the groups into survey result information, ([0020], lines 24-27, aggregated results);

a survey result storing unit configured to store the survey result information/extracting activity data that are included in responses, ([0006], data storage means for storing member contributions, and output means for displaying member contributions to the community and [0020], lines 27-30, shows results are made visible by each community, and shows activity content or results are specific to an visible to each community);

and

a concept analysis unit; wherein the concept analysis unit is configured to examine activity data included in responses directed the survey result information, to perform an analysis of the concepts that are used for the activities by the groups, and to generate concept data obtained as representing a common concept shared by the groups/analyzing the concepts.../generate concept data...([0003], shows combining and extending the concepts of focus groups and Customer Relationship Management (CRM), and in [0020], a select number of members may be invited to a engage in an initial product concept test designed to gather feedback and iterate the product before presenting the concept to the general population)

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Schlack discloses providing a client server to receive input from activity participants and provide individualized output to each participant, receiving contributions from the activity participants, comparing a first characteristic of each contribution to contributions in an archived activity, and establishing a first cross-activity thread comprising contributions having a shared first characteristic as shown in [0008], and [0035] shows themes, common threads, patterns, and personalities emerging in the community and synthesizes these into stories, parables, and myths that provide a mirror to educate the community about itself, and that the invention provides a mechanism to enable and support these critical roles and/or activities in an online virtual community, thereby suggesting matching activity data indicating the activities of each group or the concept of each group to activity data indicating the activities of another one of the groups and the concept of said another one of the groups and examining as to whether or not a word representing a common concept in each group is included in the activity data or the concept of said another one of the groups.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose matching activity data indicating the activities of each group or the concept of each group to activity data indicating the activities of another one of the groups and the concept of said another one of the groups and examining as to whether or not a word representing a common concept in each group is included in the activity data or the concept of said another one of the groups with the motivation of finding differences between more than one group.

Schlack does not disclose an analysis and evaluation unit having and an evaluation unit, and the evaluation unit is configured to calculate a strength of influence and an extent of influence, for each of the groups, based on the activities, the concepts or the groups, or scores or an arbitrary combination thereof/calculating a strength of influence.... , however Hamilton discloses Analytic Network Process (ANP) 130 incorporates dependencies and feedback, and while hierarchies are concerned with the extent of a quality among the elements being compared, a network is concerned with the extent of influence of elements on some element with respect to a given quality in [0067]. Also, in [0064], Hamilton discloses incorporating feedback analysis, conflicting objectives, subjective judgements and uncertain data, where the decision analysis system facilitates a systematic and adaptable group and or individual decision making process to prioritize, recommend and monitor specific actions. In addition, examiner is not able to find clearness in the spec as to how these the extent and strength of influence are assessed, and examiner therefore interprets that the extent and strength of influence to be disclosed by Hamilton.

It therefore would be obvious to combine the teachings of Schlack and Hamilton to disclose an analysis and evaluation unit having and an evaluation unit, and the evaluation unit is configured to calculate a strength of influence and an extent of influence, for each of the groups, based on the activities, the concepts or the groups, or scores or an arbitrary combination thereof/calculating a strength of influence.... It would have been obvious to one of ordinary skill in the art at the time of the applicant's

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invention to disclose the above limitation with the motivation of incorporating a sensitivity factor as it relates to users of the group.

As per claims 2, 7, 12, Schlack discloses:

wherein the activity data include partner group data representing groups that have acted as partners for the activities, and activity contents data representing contents of the activities, ([0003] shows connecting with partners);

wherein the concept analysis unit analyzes the activity contents data included in the activity data, and generates the concept data representing the concept of the activities/analyzing the activity contents...generating...([0003], shows combining and extending the concepts of focus groups and Customer Relationship Management (CRM), and in [0020], a select number of members may be invited to engage in an initial product concept test designed to gather feedback and iterate the product before presenting the concept to the general population); and

Schlack does not specifically disclose the following however Hamilton discloses Analytic Network Process (ANP) 130 incorporates dependencies and feedback, and while hierarchies are concerned with the extent of a quality among the elements being compared, a network is concerned with the extent of influence of elements on some element with respect to a given quality in [0067]. Also, in [0064], Hamilton discloses incorporating feedback analysis, conflicting objectives, subjective judgements and uncertain data, where the decision analysis system facilitates a systematic and adaptable group and or individual decision making process to prioritize, recommend and monitor specific actions.

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It therefore would be obvious to combine the teachings of Schlack and Hamilton to disclose wherein, based on 1) either or both of the activity contents data and the concept data, and 2) the partner group data, the evaluation unit evaluates a number of groups that are influenced by either or both of the activities and the concepts, a magnitude and a range of an influence, or values of one or more arbitrary combinations of the number of groups, the magnitude of the influence, and the range of the influence/evaluating... It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose the above limitation with the motivation of incorporating a sensitivity factor as it relates to users of the group.

As per claims 4, 9, 14, Schlack discloses:

wherein activity data includes object group data representing objects for the activities, and activity contents data that represents contents of the activities, ([0054], shows group decision support for documenting, collecting, normalizing and acting on group input);

wherein the concept analysis unit analyzes the psychological activity content data included in the activity data, and generates the concept data that represents the concepts of the psychological activities/analyzing the psychological activity...generating the content data..., ...([0003], shows combining and extending the concepts of focus groups and Customer Relationship Management (CRM), and in [0020], a select number of members may be invited to engage in an initial product concept test designed to gather feedback and iterate the product before presenting the concept to the general population);

Schlack does not specifically disclose wherein the activities are psychological activities, however, Hamilton discloses capture of the rationale for each score in [0097].

It therefore would be obvious to combine the teachings of Schlack and Hamilton to disclose wherein the activities are psychological activities. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose wherein the activities are psychological activities with the motivation of incorporating the user's psychological reasoning into evaluating group activities.

Schlack does not specifically disclose the following however Hamilton discloses Analytic Network Process (ANP) 130 incorporates dependencies and feedback, and while hierarchies are concerned with the extent of a quality among the elements being compared, a network is concerned with the extent of influence of elements on some element with respect to a given quality in [0067]. Also, in [0064], Hamilton discloses incorporating feedback analysis, conflicting objectives, subjective judgements and uncertain data, where the decision analysis system facilitates a systematic and adaptable group and or individual decision making process to prioritize, recommend and monitor specific actions.

It therefore would be obvious to combine the teachings of Schlack and Hamilton to disclose wherein, based on 1) either or both of the psychological activity contents data and the concept data, and 2) the object group data, the evaluation unit evaluates a number of groups that are influenced by either or both of the psychological activities and the concepts, a magnitude of an influence and a range of the influence, or one or more values of one or more arbitrary combinations of the number of groups, the

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magnitude of the influence and the range of the influence. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose the above limitation with the motivation of incorporating a sensitivity factor as it relates to users of the group.

As per claims 5, 10, 15, Schlack discloses:

wherein the groups are either or both of members and organizations that include one or more components, ([0021], technology components).

As per claim 16, Schlack discloses:

the inquiry unit is configured to inquire members of each group about one or more activities performed by the members of each group, ([0020], shows surveys specific to the communities are used and created as activities and are monitored, and also shows focus groups that engage in activities and invited to engage in a product concept test designed to gather feedback, in this case, the actual unit is not explicitly expressed, however inherent since Schlack is focused on a browser-enabled system of software and services used to carry out the invention as shown in [0014]). Schlack discloses this limitation in an analogous art for the purpose of showing that surveys and feedback are used to determine information about user activity experiences.

the concept analysis unit is configured to examine activity data included in responses received from the members of each group and to perform analysis of one or more concepts that are used for the activities performed by the members of each group, ...([0003], shows combining and extending the concepts of focus groups and Customer Relationship Management (CRM), and in [0020], a select number of members may be

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invited to a engage in an initial product concept test designed to gather feedback and iterate the product before presenting the concept to the general population);

As per claims 17, 18, Schlack discloses:

the directing directs inquiries to members of each group about one or more activities performed by the members of each group; the examining examines activity data that are included in responses to the inquiries received from the members of each group..., ([0020], shows surveys specific to the communities are used and created as activities and are monitored, and also shows focus groups that engage in activities and invited to engage in a product concept test designed to gather feedback, in this case, the actual unit is not explicitly expressed, however inherent since Schlack is focused on a browser-enabled system of software and services used to carry out the invention as shown in [0014]);

the analyzing analyses concepts that are used for the activities performed by the members of each group, ...([0003], shows combining and extending the concepts of focus groups and Customer Relationship Management (CRM), and in [0020], a select number of members may be invited to a engage in an initial product concept test designed to gather feedback and iterate the product before presenting the concept to the general population);

12. Claims 3, 8, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlack (US 2007/0226628 A1), and further in view of Hamilton (US 2004/0103058 A1), and further in view of Masamichi et al (JP A 2003-085347), as cited by applicant.

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As per claims 3, 8, 13, Schlack discloses:

wherein the concept analysis unit analyzes the information content data included in the activity data, and generates the concept data that represents a concept of the information that has been propagated/analyzing...generating...([0003], shows combining and extending the concepts of focus groups and Customer Relationship Management (CRM), and in [0020], a select number of members may be invited to a engage in an initial product concept test designed to gather feedback and iterate the product before presenting the concept to the general population);

Schlack does not specifically disclose the following however Hamilton discloses Analytic Network Process (ANP) 130 incorporates dependencies and feedback, and while hierarchies are concerned with the extent of a quality among the elements being compared, a network is concerned with the extent of influence of elements on some element with respect to a given quality in [0067]. Also, in [0064], Hamilton discloses incorporating feedback analysis, conflicting objectives, subjective judgements and uncertain data, where the decision analysis system facilitates a systematic and adaptable group and or individual decision making process to prioritize, recommend and monitor specific actions.

It therefore would be obvious to combine the teachings of Schlack and Hamilton to disclose wherein, based on either or both of 1)the information content data and the concept data, and 2)the recipient group data, the evaluation unit evaluates a number of groups that are influenced by either or both of the information and concepts, a magnitude and the range of an influence, or one or more values of one or more

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arbitrary combinations of the number of groups, the magnitude of the influence, and the range of the influence/evaluating...It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose the above limitation with the motivation of incorporating a sensitivity factor as it relates to users of the group.

Neither Schlack nor Hamilton disclose the following, however Masamichi et al discloses:

wherein the activities are propagation of information, wherein activity data includes information recipient data representing recipient groups of information and information contents data representing contents of the information that has been propagated/wherein the concept data include information recipient data representing recipient groups of information and information contents data representing the contents of the information that has been propagated, ([0024], [0026], shows use of mailing lists or (MLs), which represent a propagation of information, w/[0046], shows # of replies, # of speakers, etc., which represent contents of the information that has been sent with the mailing lists about activity or event data);

It would be obvious to combine the teachings of Schlack, Hamilton and Masamichi et al to disclose the above limitation. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose wherein the activities are propagation of information, wherein activity data includes information recipient data representing recipient groups of information and information contents data representing contents of the information that has been propagated/wherein the concept data include information recipient data representing recipient groups of

information and information contents data representing the contents of the information that has been propagated with the motivation of showing that propagation information can be incorporated into a system for evaluating group activities.

Response to Arguments

13. Applicant's arguments filed in the Pre-Conference request filed 12/2/09 have been fully considered but they are not persuasive.

Applicant mainly argues that Claims 1, 6 and 11 recite an evaluation device for evaluating activities of a plurality of groups to be evaluated having an evaluation unit configured to calculate a strength of influence and an extent of influence where "the strength of the influence and the extent of the influence are calculated, for each group, by ... examining as to whether or not a word representing a common concept in each group is included in the activity data or the concept of said another one of the groups." , and that Schlack does not disclose or suggest this feature. However, in applicant's spec, there are several instances of "psychological, range of influence" in order to assist with the evaluation process for determining the strength of the influence and the extent of the influence. However, applicant does not assess these terms in order to arrive at these values. *Examiner is therefore not able to find clearness in the spec as to how these values are assessed, and examiner therefore interprets that the extent and strength of influence to be disclosed by Hamilton.* Assuming, that all steps are performed by a computer, it is also not clear to the examiner as to how information would be input into a computer to perform calculations. For example, in applicant's

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spec, page 33, lines 9-11, examiner finds it difficult to determine how one would arrive to understand how the psycho evaluation (by merely looking at a person and coming to a determination) is actually making an evaluation when there is no technology/apparatus tied or no transformation of matter. Examiner finds that the invention is not enabling, vague and indefinite, no algorithm, and therefore, one can not calculate the extent or strength of influence with a computer. *Due to the vagueness of the description in the spec, examiner requests that applicant specifically point out how calculating a strength and extent of influence occurs.*

In addition, the same argument as filed 9/2/09 regarding prior art used by the examiner still applies, and described as follows:

Independent claims 1, 6 and 11, as amended, now recite that the strength of the influence and the extent of the influence are calculated, for each group, by matching activity data indicating the activities of each group or the concept of each group to activity data indicating the activities of another one of the groups and the concept of said another one of the groups and examining as to whether or not a word representing a common concept in each group is included in the activity data or the concept of said another one of the groups, and that the applied references do not disclose calculating the strength and extent of influence in this manner. However, as now disclosed by the rejection, Schlack discloses providing a client server to receive input from activity participants and provide individualized output to each participant, receiving contributions from the activity participants, comparing a first characteristic of each contribution to contributions in an archived activity, and establishing a first cross-activity thread

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comprising contributions having a shared first characteristic as shown in [0008], and [0035] shows themes, common threads, patterns, and personalities emerging in the community and synthesizes these into stories, parables, and myths that provide a mirror to educate the community about itself, and that the invention provides a mechanism to enable and support these critical roles and/or activities in an online virtual community, thereby suggesting matching activity data indicating the activities of each group or the concept of each group to activity data indicating the activities of another one of the groups and the concept of said another one of the groups and examining as to whether or not a word representing a common concept in each group is included in the activity data or the concept of said another one of the groups.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

- Patent Application Information Retrieval (PAIR) system, Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A. R. B.
August 30, 2009

/Akiba K Robinson-Boyce/
Primary Examiner, Art Unit 3628